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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/660,475	09/12/2003	Dominic Pratt	242800US0X 6315		
22850	7590 05/12/2005		EXAMINER		
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET			ELHILO, EISA B		
	RIA, VA 22314	ART UNIT	PAPER NUMBER .		
			1751		
			DATE MAILED: 05/12/2005		

Please find below and/or attached an Office communication concerning this application or proceeding.

		Application No		Applicant(s)				
		10/660,475		PRATT ET AL.				
	Office Action Summary	Examiner		Art Unit				
		Eisa B. Elhilo		1751				
Period fo	The MAILING DATE of this communication r Reply	appears on the cove	r sheet with the c	orrespondence address				
THE N - Exten after - If the - If NO - Failur Any r	ORTENED STATUTORY PERIOD FOR REMAILING DATE OF THIS COMMUNICATION IS COMMUNICATION IN COMMUNICATION IN COMMUNICATION IS COMMUNICATION IN COMMU	DN. R 1.136(a). In no event, how a reply within the statutory m riod will apply and will expire latute, cause the application	ever, may a reply be tim nimum of thirty (30) days SIX (6) MONTHS from to to become ABANDONED	ely filed will be considered timely. the mailing date of this communi (35 U.S.C. § 133).	cation.			
Status								
1)⊠	Responsive to communication(s) filed on 6	3 February 2005.						
2a)⊠	This action is FINAL . 2b) ☐ This action is non-final.							
3)	Since this application is in condition for allowance except for formal matters, prosecution as to the ments is							
	closed in accordance with the practice und	ler Ex parte Quayle,	1935 C.D. 11, 45	3 O.G. 213.				
Dispositi	on of Claims							
4)□	Claim(s) 1-18 is/are pending in the applica	tion.						
-	4a) Of the above claim(s) is/are withdrawn from consideration.							
5)□	Claim(s) is/are allowed.							
6)⊠	Claim(s) <u>11</u> is/are rejected.							
7)⊠	Claim(s) <u>1-10 and 12-18</u> is/are objected to.							
8)□	Claim(s) are subject to restriction ar	nd/or election require	ement.					
Applicati	on Papers							
9)	The specification is objected to by the Exar	miner.						
10)	The drawing(s) filed on is/are: a)□	accepted or b)□ ob	jected to by the E	xaminer.				
	Applicant may not request that any objection to	the drawing(s) be held	d in abeyance. See	37 CFR 1.85(a).				
	Replacement drawing sheet(s) including the ∞							
11)	The oath or declaration is objected to by th	e Examiner. Note th	e attached Office	Action or form PTO-15	52.			
Priority u	ınder 35 U.S.C. § 119							
12)	Acknowledgment is made of a claim for for	eign priority under 3	5 U.S.C. § 119(a)	-(d) or (f).	•			
a)[☐ All b)☐ Some * c)☐ None of:							
	1. Certified copies of the priority docum							
-	2. Certified copies of the priority docum				_			
	3. Copies of the certified copies of the			ed in this National Stage	e			
* 0	application from the International Bu See the attached detailed Office action for a	•		d ·				
	see the attached detailed Office action for a	inst of the contined t	opies not receive	u.				
Attachmen	t(s)							
1) Notic	e of References Cited (PTO-892)		Interview Summary					
	e of Draftsperson's Patent Drawing Review (PTO-948		Paper No(s)/Mail Da	ate atent Application (PTO-152)				
	mation Disclosure Statement(s) (PTO-1449 or PTO/St r No(s)/Mail Date	<i></i>	Other:	atom Application (F10-152)				
S. Patent and T PTOL-326 (R	rademark Office ev. 1-04) Offi	ce Action Summary	Pa	rt of Paper No./Mail Date 20	050510 W			

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DETAILED ACTION

- 1 This action is responsive to the amendment filed on February 3, 2005.
- The rejection of claims 1-6 under 35 U.S.C. 102(b) as being anticipated by Mikoshiba et al. (US 5,344,933) is withdrawn because of the applicant's amendment.

NEW GROUND OF REJECTION

Claim Objections

3 Claims 1-18 objected to because of the following informalities:

In claim 1, at page 4, ";" should be placed between the first formula and the second formula.

In claim 5, at page 6, ";" should be placed between the first formula and the second formula and "and" should be placed between the second formula and third formula.

In claim 5, at page 7, ";" should be placed between the first formula and the second formula and between the second and the third formula and "and" should be placed between the third formula and the fourth formula.

In claim 11, the formulae D-1 to D-50 should be separated by ";" to make the Markush language of these claims in a proper form.

Claims 2-17 objected to because the term "A" at the beginning of each claim should be replaced by the term "The". Appropriate correction is required.

In claim 18, the examiner suggests the following written claim "A method for dyeing hair, comprising applying to the hair the dyeing composition of claim 1, reacting the dyeing composition with the hair and removing the dyeing composition from the hair" in order to make the claim in a proper form.

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Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 11 is indefinites because the claim recites the formulae "D-5" and "D-47" in which a carbonyl group is attached to the benzene ring, a formula "D-44" in which "A" represented by a formula Cp-7, a formula "D-48" in which a carbonyl group is attached to the heterocyclic ring, a formula "D-49" which comprises an ester group "CO₂C₂H₅" There is insufficient antecedent basis for these limitations in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 11 is rejected under 35 U.S.C. 102(b) as being anticipated by Mikoshiba et al. (US 5,344,933).

Mikoshiba et al. (US' 933) teaches an azomethine dye represented by formula (III), which is identical to the claimed formula D-44, when in the reference's formula (III), R1-and R4-are hydrogen atoms, R2 and R3 are chloride atoms, X is a hydroxyl group and R11, R12 and R13 are cyano groups (see col. 3, formula (III), col. 4, lines 15-21 and col. 6, lines 28-32). Mikoshiba et al. (US' 933) teaches all the limitations of the instant claim. Hence, Mikoshiba et al. (US' 933) anticipates the claim.

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Response to Applicant's Arguments

- Applicant's arguments with respect to claims 1-6 have been considered but are moot in view of the new ground(s) of rejection.
- Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eisa B. Elhilo whose telephone number is (571) 272-1315. The examiner can normally be reached on M - F (8:00 -5:30) with alternate Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta can be reached on (571) 272-1316. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Éisa Elhilo

Patent Examiner
Art Unit 1751

May 10, 2005